



ZONING BOARD OF ADJUSTMENT
TELEPHONE (603) 363-4624



**TOWN OF CHESTERFIELD, NH
NOTICE OF DECISION
ZONING BOARD OF ADJUSTMENT**

You are hereby notified that at its Thursday, January 16, 2023, Zoning Board of Adjustment meeting the Board heard the application of **Aubuchon Realty Company** requesting a variance from Article IV, Section 400.1, the Number of Parking Spaces Requirement. The property is located on the Southwest Section of Stow Drive and Franklin Pierce Highway, Chesterfield (Tax Map 12, Lot A1.21) in the Commercial/Industrial District

Based on the plan submitted, the Motion was made to deny the variance for 400.2, the Number of Parking Spaces for the following reasons:

- *The variance is contrary to the public interest because the town zoning ordinance greatly exceeds the ITE study presented in the Bohler Document (dated January 12, 2023) that was an 85% percentile of three locations and it would have adequate parking that town requires.*
- *The intent of the ordinance was to have adequate parking, this proposal would have barely adequate parking according to studies shown.*
- *It would not be an extraordinary hardship. The hardship only exists because of the size of the building that the applicant is placing on the lot.*
- *The proposed use is not reasonable, because it is too large a building and too much impermeable area for the lot.*

Kristin McKeon
Chairman
Zoning Board of Adjustment

Date: 2/1/23

NOTE: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of this decision. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677

NOTE: Variance is based on oral and written intentions (including maps, plans, and written statements) and assurances of applicant and/or its representative and must be implemented in a way which adheres to those intentions and assurances. "The scope of a variance is dependent upon the representations of the applicant and the intent of the language of the variance at the time it is issued".

Town of Rye v. Ciborowski, III N.H. 77 (1971)

A site plan review may be required of the Chesterfield Planning Board, as a result of this decision.